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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,308	08/31/2001	Steve Craig Betz	PU010158	2165

7590 11/17/2004  
JOSEPH S. TRIPOLI  
THOMSON MULTIMEDIA LICENSING INC.  
2 INDEPENDENCE WAY  
P.O. BOX 5312  
PRINCETON, NJ 08543-5312

EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,308

Applicant(s)

BETZ ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/31/2001</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Marin et al. (U.S. 6,021,129).

Marin et al. teach claims:

1. A modem (16), comprising:

first interface circuitry adapted to provide data transfer between a host device and a network (14, 16, 18, 40, 50, 60; col.5, ,line 59-col.6, line 43); and

second interface circuitry adapted to provide data transfer between a memory device and at least one of said host device and said network (14, 16, 18, 40, 50, 60; col.5, ,line 59-col.6, line 43).

2. The modem of claim 1, wherein said network comprises one of a digital cable network and a digital subscriber line (DSL) network (system 10).

3. The modem of claim 1, wherein said second interface circuitry is adapted to determine a type of memory device coupled thereto (60).

4. The modem of claim 1, wherein: in response to a default data transfer condition, data is transferred between said memory device and at least one of said host device and a computer communicating with said network (14, 16, 18, 40, 50, 60; col.5, ,line 59-col.6, line 43).

5. The modem of claim 1, wherein said memory device is associated with an audio player and, in response to a default data transfer condition, audio data is transferred to said memory device from at least one of said host device and a computer communicating with said network (col.4, lines 47-53; "Input device 20 may comprise, for example, a keyboard, mouse, graphics tablet, touch screen, pressure-sensitive pad, joystick, light pen, microphone, or other suitable input

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device. Output device 22 may comprise, for example, a video display, a printer, a disk drive, a plotter, a speaker, or other suitable output device.”).

6. The modem of claim 1, wherein said memory device is associated with an imaging device and, in response to a default data transfer condition, image data is transferred from said memory device to at least one of said host device and a computer communicating with said network (col.4, lines 47-53; “Input device 20 may comprise, for example, a keyboard, mouse, graphics tablet, touch screen, pressure-sensitive pad, joystick, light pen, microphone, or other suitable input device. Output device 22 may comprise, for example, a video display, a printer, a disk drive, a plotter, a speaker, or other suitable output device.”).

7. The modem of claim 1, wherein said second interface circuitry is adapted to receive a smart card with integrated memory (col.4, lines 47-53; “Input device 20 may comprise, for example, a keyboard, mouse, graphics tablet, touch screen, pressure-sensitive pad, joystick, light pen, microphone, or other suitable input device. Output device 22 may comprise, for example, a video display, a printer, a disk drive, a plotter, a speaker, or other suitable output device.”).

8. The modem of claim 1, wherein said second interface is adapted to receive a compact FLASH memory card (col.6, lines 20-34; “Modem memory 60 may comprise any combination of on-chip and/or external memory devices. For example, in the illustrated embodiment, a portion of modem memory 60 comprises an on-chip static random access memory (“SRAM”) integral to communications manager 50, while another portion of modem memory 60 comprises an external SRAM (external in the sense that it is not integral to any particular chip). Other memory devices could alternatively be used without departing from the scope of this invention. For example, modem memory 60 could comprise a dynamic random access memory (“DRAM”) device, or other appropriate volatile or nonvolatile storage and retrieval device, or combination of such devices.”).

9. The modem of claim 1, wherein a data bus of a first type is used to communicate data between said memory device and said modem, and a data bus of a second type is used to communicate data between said host device and said modem (14, 16, 18, 40, 50, 60; col.5, line 59-col.6, line 43).

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10. The modem of claim 1, wherein said memory device has stored therein a program, said second interface circuitry being adapted to responsively transfer said program to said modem for execution (fig.4).

11. The modem of claim 10, wherein said program stored in said memory device is compressed, said modem decompressing said program prior to executing said program (fig.6A).

12. The modem of claims, wherein: said modem, operating as a universal serial bus (USB) hub, transfers data between said memory device and said host device via a USB communications path (col.13, lines 57-65).

13. The modem of claim 1, wherein: said modem, enables said memory device to be accessed by said host device via at least one of an Ethernet communications link and a universal serial bus (USB) communications link (see "system 10"; it is inherent in LAN and ADSL).

14. Apparatus comprising: a modem for transferring data between a host computing device and a network, said modem having associated with it a first data bus operatively coupled to a flash memory having stored therein at least an initial operating program; and an interface circuit, operatively coupled to said first data bus and a physical interface device, said physical interface device adapted to receive a memory device, said interface circuit adapted to provide data transfer between said memory device and said modem using said first data bus, said modem adapted to transfer data between said memory device and at least one of said host device and said network (14, 16, 18, 40, 50, 60; col.5, ,line 59-col.6, line 43).

15. The apparatus of claim 14, wherein said network comprises one of a digital cable network and a digital subscriber line (DSL) network ("system 10").

16. The apparatus of claim 14, wherein said second interface circuitry is adapted to determine the type of memory device coupled thereto (col.13, lines 57-65).

17. The apparatus of claim 14, wherein: in response to a default data transfer condition, data is transferred between said memory device and at least one of said host device and a computer communicating with said network (14, 16, 18, 40, 50, 60; col.5, ,line 59-col.6, line 43).

18. The apparatus of claim 14, wherein said second interface circuitry is adapted to determine a type of memory device coupled thereto (col.13, lines 57-65).

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19. The apparatus of claim 14, wherein said memory device has stored therein a program, said second interface circuitry being adapted to responsively transfer said program to said modem for execution (col.13, lines 57-65).

20. A method, comprising: detecting the insertion of a memory device into an interface operatively coupled to a modem, said modem including first interface circuitry adapted to provide data transfer between a host device and a network, said modem including second interface circuitry adapted to provide data transfer between said memory device and at least one of said host device and said network; and in response to a default data transfer condition, transferring data between said detected memory device and at least one of said host device and said network (14, 16, 18, 40, 50, 60; col.5, ,line 59-col.6, line 43).

21. The method of claim 20 wherein said data transfer comprises the transfer of audio data to said detected memory device from at least one of said host device and a computer communicating with said network (col.4, lines 47-53; "Input device 20 may comprise, for example, a keyboard, mouse, graphics tablet, touch screen, pressure-sensitive pad, joystick, light pen, microphone, or other suitable input device. Output device 22 may comprise, for example, a video display, a printer, a disk drive, a plotter, a speaker, or other suitable output device.").

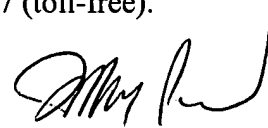
22. The method of claim 20, wherein said data transfer comprises the transfer of image data from said detected memory device to at least one of said host device and a computer communicating with said network (col.4, lines 47-53).

23. The method of claim 20, further comprising: determining the type of memory device inserted into said interface device (40).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jeffrey PWU', is positioned above the typed name.

Sunday, November 14, 2004

**JEFFREY PWU  
PRIMARY EXAMINER**